

PROJECT: BPM 600-1-705
HIGHWAY: OUTER LOOP-S. R. 117
SECTION: Cave Creek Rd.-Jct. I-17
PARCEL: 7-3243-1

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

34507

THIS AGREEMENT, entered into this 25TH day of APRIL, 1984, pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF PHOENIX, a municipal corporation, hereinafter called "CITY".

WHEREAS, the STATE is empowered by Arizona Revised Statutes Section 28-108 to enter into this Agreement, and

WHEREAS, the CITY is empowered by Arizona Revised Statutes Section 9-679 to enter into this Agreement, and

WHEREAS, the CITY has proposed a street paving project for improvement of that certain portion of 21st Avenue lying between Beardsley Road on the North and a point two hundred ninety five feet (295 feet) therefrom.

WHEREAS, property belonging to the STATE is within the limits of the proposed assessment district, and the parties to this Agreement have determined that it is in the best interest of both parties that the property owned by the STATE be assessed pursuant to the provisions of Section 9-679, Arizona Revised Statutes, and

WHEREAS, pursuant to Subsection (D) of said Section, the STATE is willing to contract for the payment to the CITY of the assessment as it becomes due and payable.

NOW, THEREFORE, for and in consideration of the mutual promises and agreements of the parties herein contained, it is agreed as follows:

1. That the improvements hereinabove referred to shall be made by the CITY for the public benefit and shall be chargeable upon the district to be established by the CITY, and which assessment district shall include property owned by the STATE, as shown on the plat attached hereto.

2. That the parties agree the CITY shall assess the lands of the STATE according to the benefits derived from the improvement, but not to exceed the total sum of \$6,689.14 for that portion of the roadway adjoining Parcel 7-3243-1 for its share of said street paving improvement to be locally financed.

3. This Agreement shall remain in force and effect until the work herein embraced has been completed in accordance with the terms of the Agreement or until earlier terminated by either the STATE or the CITY upon thirty (30) days written notice of that intent.

4. This Agreement shall be filed with the Secretary of State and shall become effective upon such filing.


NO. <u>9211</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>5-1-84</u>
<i>[Signature]</i>
Secretary of State

5. Attached hereto is an authenticated copy of the Ordinance of the City Council authorizing said CITY to enter into this Agreement; also attached hereto is an original Resolution of the Director, Arizona Department of Transportation, acting by and through its Highways Division, to enter into this Agreement.

6. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes Section 38-511.


IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION



Chief Deputy State Engineer (DATE)

CITY OF PHOENIX
A MUNICIPAL CORPORATION



SUPERINTENDENT OF STREETS 4-12-84 (DATE)

ATTEST:



City Clerk

APPROVED AS TO FORM:



ACTING City Attorney

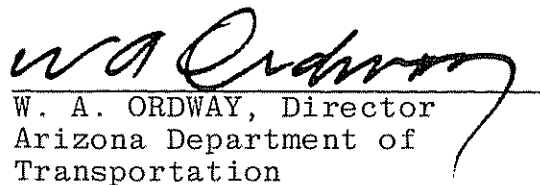
Scale 1" = 200'

PROJECT: BPM 600-1-705
SECTION: OUTER LOOP (S.R. 117)
SECTION: Cave Creek Rd.-Jct. I-17
PARCEL: 7-3243-1

RESOLUTION

BE IT RESOLVED on this 8TH day of MARCH, 1984,
that I, W. A. Ordway, as Director, ARIZONA DEPARTMENT OF
TRANSPORTATION, have determined that it is in the best interest
of the State of Arizona that the DEPARTMENT OF TRANSPORTATION,
acting by and through the Highways Division, enter into an
Intergovernmental Agreement with the City of Phoenix for
the purpose of paying a street paving assessment.

THEREFORE, authorization is hereby given to draft said Agreement
which, upon completion, shall be submitted for approval and
execution by the Chief Deputy State Engineer.


W. A. ORDWAY, Director
Arizona Department of
Transportation

Project No. NP-810275(ID)

RESOLUTION NO. 16339

A RESOLUTION AUTHORIZING THE
CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH
STATE OF ARIZONA
FOR THE ASSESSMENT OF PUBLIC
PROPERTY, AND DECLARING AN
EMERGENCY.

WHEREAS, the Council of the City of Phoenix has passed, or is about to pass, an Ordinance of Intention for the improvement of certain portions of certain streets in the general area bounded by the Black Canyon Highway and 15th Avenue from Bell Road to Beardsley Avenue, also known as the Utopia Neighborhood, by the construction of paving, curb and gutter, sidewalk, etc.,

(Project No. NP-810275(ID)), and

WHEREAS, property belonging to the State of Arizona

fronts upon or is included in the district of the proposed improvement, and it is desired to include the said public property within the assessment district and make said property liable for the assessment in proportion to the benefits derived from said improvement, now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX

That the City Manager be and he is hereby authorized to enter into an agreement with the State of Arizona that if the aforesaid improvement is had and the said public property is included within the assessment district to pay the City of Phoenix, in installments, the amounts (of \$25.00 or more) assessed, and to pay to the contractor, in cash, the amounts (of less than \$25.00) assessed, as provided in the "Improvement Act" and amendments thereto, governing the proceedings of said improvement.

WHEREAS, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety, an EMERGENCY is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council as required by the City Charter and is hereby exempted from the referendum clause of said Charter.

PASSED by the Council of the City of Phoenix this 4th day of April , 1984 .

TERRY GODDARD

MAYOR

Approved:



Superintendent of Streets

Attest:

ALEX M COR

ACTING

City Clerk

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OFFICE OF THE
Attorney General

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ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 84-221, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 26th day of April, 1984.

ROBERT K. CORBIN
Attorney General

A handwritten signature in black ink, appearing to read "James R. Redman", written over the printed name of the Assistant Attorney General.

Assistant Attorney General
Transportation Division